

FINAL BILL REPORT

SB 5488

C 9 L 13

Synopsis as Enacted

Brief Description: Establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime.

Sponsors: Senators Kohl-Welles, Padden, Kline, Darneille, Fraser, Ranker, Keiser, Delvin, Carrell, McAuliffe, Chase and Conway.

Senate Committee on Law & Justice
House Committee on Public Safety

Background: Human trafficking is a growing criminal enterprise. Although trafficking affects many states across the country, the ports and international border in Washington State make it prone to trafficking. Additionally, the internet has become a prominent vehicle for sex trafficking of young adults and minors because more people can be solicited through online advertisements.

Commercial sexual abuse of a minor, a class B felony, occurs when a person pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with that person, pays or agrees to pay a fee to a minor or third person pursuant to an understanding that in return the minor will engage in sexual conduct with that person, or solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee. In addition to penalties imposed for a class B felony, the court must require that the person is not subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor, remains outside the geographical area in which the person was arrested, and completes a program designed to educate about the negative costs of prostitution.

Promoting commercial sexual abuse of a minor, a class A felony, occurs when a person knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

Promoting travel for commercial sexual abuse of a minor, a class C felony, occurs when a person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state.

Advertising commercial sexual abuse of a minor, a class C felony, occurs when a person knowingly publishes, disseminates, or displays, or causes directly or indirectly to be

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published, disseminated, or displayed any advertisement for a commercial sex act, which is to occur in Washington and depicts a minor.

Summary: In addition to other penalties imposed for sexual exploitation of a child, a fee of \$5,000 must be imposed when a person is convicted of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor and the court finds that an internet advertisement that described or depicted the victim of the crime was instrumental in facilitating the commission of the crime.

All fees collected must be deposited in the prostitution prevention and intervention account.

Internet advertisement is defined as a statement in electronic media that would be understood by a reasonable person to be an implicit or explicit offer for sexual contact or sexual intercourse in exchange for something of value.

The offense of advertising commercial sexual abuse of a minor is repealed.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: July 28, 2013.